

RECEIVED
CENTRAL FAX CENTER
MAY 09 2005

THE WEBB LAW FIRM
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: 412-471-8815 Facsimile: 412-471-4094
E-mail: webblaw@webblaw.com

FACSIMILE INFORMATION SHEET

RESPONSE UNDER 37 C.F.R §1.116
EXPEDITED PROCEDURE
GROUP ART UNIT 1617

Name of Individual: MAIL STOP AF
Commissioner for Patents

Company: United States Patent and Trademark Office
City and State: Alexandria, VA

Facsimile Number: 703-872-9306

From: Kirk M. Miles, Esquire

Total Number of Pages: 10

Date Transmitted: May 9, 2005
CV01382K US
Client No.: 4686 File No.: 045584

Message: Application No. 10/057,629
Inventors: Harry R. Davis
Filed: January 25, 2002
Title: USE OF SUBSTITUTED AZETIDINONE COMPOUNDS FOR THE TREATMENT OF SITOSTEROLEMIA

Transmittal Form (1p)
Fee Transmittal 1p. (2x)
Notice of Appeal (2pp)(3x)

If you do not receive all pages, please call back as soon as possible. The number is (412) 471-8815.

STATEMENT OF CONFIDENTIALITY

The information in this facsimile is privileged and confidential and is intended only for the use of the named recipient. Disclosure or copying of this document or its contents other than by the named recipient is prohibited. If this document is received in error, it should be returned to sender.

If there are any reception problems, please call 412-471-8815.

PTO/SB/21 (04-04)

Approved for use through 07/31/2006. OMB D651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <small>(to be used for all correspondence after initial filing)</small>		Application Number 10/057,629
		Filing Date January 25, 2002
		First Named Inventor Harry R. Davis
		Art Unit 1617
		Examiner Name San Ming R. Hui
Total Number of Pages in This Submission 9		Attorney Docket Number CV01382K US - 4686-045584

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance communication To Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please Identify below)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kirk M. Miles The Webb Law Firm
Signature	
Date	May 9, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Chris Craig
Signature	
Date	05/09/2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

*Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818)*

FEE TRANSMITTAL For FY 2005

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 500.00)

Complete if Known

Application Number	10/057,629
Filing Date	January 25, 2002
First Named Inventor	Harry R. Davis et al.
Examiner Name	San Ming R. Hui
Art Unit	1617
Attorney Docket No.	CV01382K US/4686-045584

METHOD OF PAYMENT (check all that apply)

Check Credit Card Money Order None Other (please identify): _____
 Deposit Account Deposit Account Number: 23-0650 Deposit Account Name: The Webb Law Firm

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee
 Charge any additional fee(s) or underpayments of fee(s) Credit any overpayments
Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		
	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fees Paid (\$)
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description Small Entity Fee (\$) Fee (\$)

Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25

Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent 200 100

Multiple dependent claims 360 180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
- 20 or HP =	x	=		Fee (\$)	Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims	
- 3 or HP =	x	=		Fee (\$)	Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number)	x	=

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) Fee Paid (\$)

Other: Notice of Appeal \$500.00 500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	37,891	Telephone	412-471-8815
Name (Print/Type)	Kirk M. Miles	Date	May 9, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Group Art Unit 1617****MAY 09 2005**

Application No. 10/057,339
 Paper Dated: May 9, 2005
 Attorney Docket No. CV01382K US/4686-045584

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/057,629
 Inventors : Harry R. DAVIS
 Filed : January 25, 2002
 Title : USE OF SUBSTITUTED AZETIDINONE
 COMPOUNDS FOR THE TREATMENT OF
 SITOSTEROLEMIA
 Group Art Unit : 1617
 Examiner : San Ming R. Hui
 Customer No. : 28289

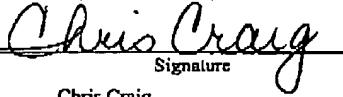
FACSMILE NO. 703-872-9306
Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 8, 2005 of the Primary Examiner finally rejecting claims 1, 8-11, 13-24, 32-45, and 53-56.

I hereby certify that this correspondence is being sent via facsimile to:
 Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05/9/2005 
 Date Signature

 Chris Craig

 Typed Name of Person Signing Certificate

**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Group Art Unit 1617**

Application No. 10/057,339
Paper Dated: May 9, 2005
Attorney Docket No. CV01382K US/4686-045584

This Notice is being timely filed on May 9, 2005 as the due date of May 8, 2005 is a Sunday.

The Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Notice of Appeal are attached.

Respectfully submitted,

THE WEBB LAW FIRM

By _____

Kirk M. Miles
Attorney for Applicant
Registration No. 37,891
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com

RECEIVED
CENTRAL FAX CENTER

P.07

**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Group Art Unit 1617****MAY 09 2005**Application No. 10/057,339
Paper Dated: May 9, 2005
Attorney Docket No. CV01382K US/4686-045584**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No. : 10/057,629
 Inventors : Harry R. DAVIS
 Filed : January 25, 2002
 Title : USE OF SUBSTITUTED AZETIDINONE
 COMPOUNDS FOR THE TREATMENT OF
 SITOSTEROLEMIA
 Group Art Unit : 1617
 Examiner : San Ming R. Hui
 Customer No. : 28289

FACSMILE NO. 703-872-9306
 Mail Stop AF
 Commissioner for Patents
 P. O. Box 1450
 Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 8, 2005 of the Primary Examiner finally rejecting claims 1, 8-11, 13-24, 32-45, and 53-56.

I hereby certify that this correspondence is being sent via facsimile to:
 Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

05/9/2005 Chris Craig
 Date Signature

 Chris Craig

 Typed Name of Person Signing Certificate

**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Group Art Unit 1617**

Application No. 10/057,339
Paper Dated: May 9, 2005
Attorney Docket No. CV01382K US/4686-045584

This Notice is being timely filed on May 9, 2005 as the due date of May 8, 2005 is a Sunday.

The Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Notice of Appeal are attached.

Respectfully submitted,

THE WEBB LAW FIRM

By Kirk M. Miles

Kirk M. Miles
Attorney for Applicant
Registration No. 37,891
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com

**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Group Art Unit 1617**

Application No. 10/057,339
Paper Dated: May 9, 2005
Attorney Docket No. CV01382K US/4686-045584

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.	:	10/057,629
Inventors	:	Harry R. DAVIS
Filed	:	January 25, 2002
Title	:	USE OF SUBSTITUTED AZETIDINONE COMPOUNDS FOR THE TREATMENT OF SITOSTEROLEMIA
Group Art Unit	:	1617
Examiner	:	San Ming R. Hui
Customer No.	:	28289

FACSMILE NO. 703-872-9306
Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 8, 2005 of the Primary Examiner finally rejecting claims 1, 8-11, 13-24, 32-45, and 53-56.

I hereby certify that this correspondence is being sent via facsimile to:
 Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Chris Craig
 05/9/2005 _____ Signature
 Date _____
 Chris Craig _____
 Typed Name of Person Signing Certificate

05/10/2005 SDIRETAK 00000054 230650 10057629 Typed Name of Person Signing Certificate

01 FC:1401 500.00 DA

**Response Under 37 C.F.R. § 1.116
Expedited Procedure
Group Art Unit 1617**

Application No. 10/057,339
Paper Dated: May 9, 2005
Attorney Docket No. CV01382K US/4686-045584

This Notice is being timely filed on May 9, 2005 as the due date of May 8, 2005 is a Sunday.

The Commissioner for Patents is hereby authorized to charge any fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Notice of Appeal are attached.

Respectfully submitted,

THE WEBB LAW FIRM

By Kirk M. Miles

Kirk M. Miles
Attorney for Applicant
Registration No. 37,891
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818
Telephone: (412) 471-8815
Facsimile: (412) 471-4094
E-mail: webblaw@webblaw.com